

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,009-B1)

In the Application of:

Rodgers et al.

Serial No. 09/658,315

Filed: September 8, 2000

Title: Method of Promoting Erythropoiesis

) Art Unit: 1653

) Examiner: A. Gupta

Commissioner for Patents
BOX: RESPONSE
Washington, D.C. 20231

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached:

- ☒ Transmittal Letter
☒ Response to Office Action mailed November 15, 2002 (12 sheets);
☒ Return Receipt Postcard

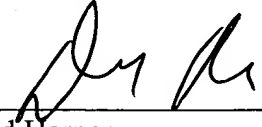
2. With respect to fees:

- ☒ No fee is required.

3. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in a box addressed to: Commissioner for Patents, Box: RESPONSE, Washington, D.C. 20231, on this 10th day of February, 2003. Express Mail No. EL904276093US.

By:


David Harper
Reg. No. 42,636

PATENT
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Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

RESPONSE TO THE OFFICE ACTION OF NOVEMBER 15, 2002

The applicants respectfully submit the following amendments and remarks in response to the Office Action mailed November 15, 2002.

AMENDMENTS

In the claims:

Please cancel claims 1-2, 31-33, 35-42 without prejudice to their filing in future applications.

Please insert new claim 53-59, and amend claims as follows. The marked-up version of all currently pending claims is provided in Appendix A.

43.(Amended) A method for augmenting erythropoiesis comprising contacting erythroid progenitor cells with an amount effective to augment erythropoiesis of at least one active agent comprising a sequence of at least three contiguous amino acids of groups R¹-R⁸ in the sequence of general formula I

